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Attorneys for Defendants,
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**[PROPOSED] PRDER GRANTING
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Date: June 26, 2023

Time: 9:00 a.m.

Crtrm: 850

Action Filed: August 3, 2022

Pretrial Conference: July 10, 2023

Trial Date: July 25, 2023

Assigned to:

Hon. R. Gary Klausner, District Judge
Courtroom 850

TO THIS HONORABLE COURT AND TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that on June 26, 2023 at 9:00 a.m., Defendants
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY's (hereinafter
"Defendants") Motion for an Order granting Partial Summary Judgment pursuant to

1 Federal Rule of Civil Procedure Rule 56 heard in Courtroom 850 of the above captioned
2 court.

3 Upon consideration of all papers, and after oral argument, the Court GRANTS
4 Defendants' Motion for an Order granting Partial Summary Judgment on the following
5 grounds:

- 6 1. Plaintiff Joshua Assiff's ("Plaintiff") first cause of action for violation of federal
7 civil rights under 42 U.S.C. § 1983 against Defendant Kelly for unlawful arrest
8 has no merit because no reasonable jury could find an absence of probable cause
9 based on the undisputed facts.
- 10 2. Plaintiff's second cause of action for violation of federal civil rights under 42
11 U.S.C. § 1983 has no merit because no reasonable jury could find that Defendant
12 County knowingly or intentionally promulgated, maintained, applied, enforced,
13 and continued any policies, practices or customs which caused Plaintiff's alleged
14 constitutional deprivation.
- 15 3. Plaintiff's claim for punitive damages against Defendant Kelly has no merit
16 because no reasonable jury could find that he acted with the intent to use excessive
17 force, or with malice, oppression or reckless disregard of Plaintiff's constitutional
18 rights.

19
20 Therefore, the Court grants judgment in favor of Defendants as to the following:

- 21 1. Plaintiff's claims for violation of federal civil rights under 42 U.S.C. § 1983
22 against Defendant Kelly for unlawful arrest;
- 23 2. Plaintiff's second cause of action for violation of federal civil rights under 42
24 U.S.C. § 1983 against Defendant County; and
- 25 3. Plaintiff's claims for punitive damages against Defendant Kelly.

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IT IS SO ORDERED.

Dated: _____

By: _____
HONORABLE R. GARY KLAUSNER
U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On May 24, 2023, I served the foregoing document described as **[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX By Email Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX State I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 24, 2023, at El Segundo, California.

Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

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